

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SARA S. ECHEVARRIA,)	
)	
Plaintiff,)	C.A. NO. 05-284 GMS
)	
v.)	
)	
U-HAUL INTERNATIONAL, INC.,)	TRIAL BY JURY OF
ROGER MAYFIELD, and)	TWELVE DEMANDED
NATIONWIDE GENERAL INSURANCE)	
COMPANY,)	
)	
Defendants.)	

**DEFENDANT NATIONWIDE GENERAL INSURANCE COMPANY'S RESPONSE TO
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AGAINST CO-DEFENDANT
ROGER MAYFIELD**

Defendant, Nationwide General Insurance Company (hereinafter "Nationwide"), hereby responds to Plaintiff's Motion For Default Judgment against co-defendant Roger Mayfield (hereinafter "Mayfield"), as follows:

1. Plaintiff's claims against Nationwide are for Uninsured Motorists Benefits based upon the assertion that Mayfield was either uninsured or underinsured at the time of the accident.
2. Nationwide properly filed an answer to the Complaint denying the allegations that Mayfield was uninsured or underinsured. Nationwide further denied allegations that Mayfield was negligent and/or that his negligence is the proximate cause of the Plaintiff's alleged injuries and damages.
3. Nationwide is not bound by the entry of a default judgment against Mayfield

and objects to the entry of the default judgment only to the extent that Plaintiff alleges that Nationwide would be precluded from litigating the negligence and proximate cause issues by virtue of the entry of default judgment against Mayfield. Nationwide does not object to the entry of the default judgment if the order provides that it is not binding on Nationwide to any extent.

WHEREFORE, defendant Nationwide General Insurance Company respectfully requests the Court to deny Plaintiff's Motion for Default Judgment or otherwise enter the Order as requested herein.

MORGAN SHELSBY & LEONI

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